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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/698,544

10/31/2003

Kris Kallenberger

HNO-134-A

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21828

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07/27/2004

CARRIER BLACKMAN AND ASSOCIATES
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NOVI, MI 48375

EXAMINER

COLETTA, LORI L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,544

Applicant(s)

KALLENBERGER ET AL.

Examiner

Lori L. Coletta

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7-14 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 2,4-6 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10312003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

“second said side wall portion” (page 3, second line from bottom) needs to be changed to --second side wall portion--.

“door panel P” (page 6, line 2) needs to be changed to --door panel DP--.

Appropriate correction is required.

Claim Objections

2. Claims 14, 15 and 19 are objected to because of the following informalities:

Regarding claim 14, “a second said side wall” (line 4) need to be changed to --a second side wall--. *See same deficiency in claim 19 (line 4).*

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said receptacle" in line 5. There is insufficient antecedent basis for this limitation in the claim. Does “said receptacle” refer to the storage receptacle or the receptacle case? *See same deficiency in claims 3 (lines 2 and 3), 8 (line 1) and 16 (line 5).*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. 6,116,672 in view of Gille 5,598,854 and McAndrew et al. 2001/0052715.

Regarding claim 1, Cannon et al. '672 discloses a storage receptacle for use with a pocket on a vehicle door, said storage receptacle comprising a receptacle case comprising at least one side wall; a floor formed integrally with said side wall and cooperating therewith to define a storage space within said receptacle; and lip substantially horizontally outwardly from a top portion of said side wall, said lip provided for placement over an upper edge portion of said vehicle door pocket.

However, Cannon et al. '672 does not show wherein said side wall has a gap formed therein, extending downwardly from said top portion thereof.

Gille '854 teaches a gap (22) formed in a side wall (18) extending downwardly from the top portion.

McAndrew et al. '715 teaches an ashtray bin on the door panel [0023].

Regarding claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the receptacle case of the storage receptacle of Cannon et al. '672 an ashtray bin, as taught by McAndrew et al. '715, in order to provide a storage receptacle for cigarette ashes.

Regarding claim 1, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the receptacle case of the storage receptacle of Cannon et al. '672, as modified, with a gap extending downwardly from the top portion of the side wall, as taught by Gille '854, in order to permit the insertion and engagement of a cigarette so as to support the cigarette relative to the ashtray.

Regarding claim 3, Cannon et al. '672, as twice modified, discloses the storage receptacle, wherein a vertical wall of the vehicle door pocket cooperates with the receptacle case to define an edge portion of said storage space when said receptacle case is installed therein.

Regarding claim 7, Cannon et al. '672, as twice modified, discloses the storage receptacle, further comprising a partition for placement in said receptacle case to subdivide said storage space.

Regarding claim 8, Cannon et al. '672, as twice modified, discloses the storage receptacle, wherein said receptacle case is dimensioned to use less than half the space of said vehicle door pocket.

Regarding claim 9, Cannon et al. '672, as twice modified, discloses the storage receptacle, wherein said receptacle case comprises at least two integrally attached side walls.

Regarding claim 10, Cannon et al. '672, as twice modified, discloses the storage receptacle, wherein one of said side walls is semi-cylindrical in shape.

Regarding claim 11, Cannon et al. '672, as twice modified, discloses the storage receptacle, wherein said receptacle case comprises at least three integrally attached side walls.

Regarding claim 12, Cannon et al. '672, as twice modified, discloses the storage receptacle, wherein the top edge of said receptacle case ramps downwardly on at least one side thereof in Figure 4f.

Regarding claim 13, Cannon et al. '672, as twice modified, discloses the storage receptacle, wherein said receptacle case tapers inwardly from the top towards the bottom thereof.

Regarding claim 14, Cannon et al. '672, as twice modified, discloses the storage receptacle, the storage receptacle, wherein said receptacle case comprises four integrally attached side walls, comprising a first side wall having an edge, a second side wall attached to said first side wall and extending substantially transverse thereto, a third side wall attached to said second side wall and extending substantially transverse thereto, and a fourth side wall attached to said third side wall and extending substantially transverse thereto, wherein said gap is formed between said first and fourth side walls.

Allowable Subject Matter

7. Claims 2, 4-6 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 16-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

9. The following is a statement of reasons for the indication of allowable subject matter:

The recitations of the specific features of the storage receptacle in claim 16 including especially the construction of the dependent flange integrally formed with and extending downwardly from said lip is not taught nor is fairly suggested by the prior art of record.

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other storage receptacles similar to that of the current invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lori L. Coletta
Lori L. Coletta
Primary Patent Examiner
Art Unit 3612

Lori L. Coletta
July 21, 2004